

REMARKS

The interview with examiner Stephen Vu on January 26, 2005 is acknowledged with appreciation. The examiner's interview summary is an accurate description of what transpired.

Formal drawings under separate cover letter accompany this amendment.

Claims 1 and 18 have been amended to recite at least one base member having a top surface, bottom surface and sides with the bottom surface being substantially devoid of any protrusions such that the base member is adapted to rest on a seat. Claims 1 and 18 are directed to a portable support adapted to rest on a seat. As recited in claims 1 and 18 the bottom of the base of the device is devoid of any protrusions so that the base member rests on the seat without any protrusion tearing or harming the seat and allowing the bottom of the base member to conform to the seat. In Pecorella (U.S. Patent No. 5,346,279) the base 10 is not adapted to rest on a seat. Base 10 has members protruding from the bottom for connection to other members. For at least this reason Pecorella does not anticipate claim 1.

Boyer (U.S. Patent No. 4,967,864) has brackets 76 extending from the bottom of base 16 and for this reason the support device of Boyer does not anticipate claims 1 and 18.

Pecorella and Boyer have connecting members extending from the bottom surface of the indicated base portion. Such members are for connection to the remainder of the disclosed device which is not for use on a seat as recited in applicants' claims.

New claim 23 is added and recites three supports (Pecorella does not have three supports) and a base member having a top surface, bottom surface and sides with the bottom surface being substantially devoid of any protrusions such that the base member is adapted to rest on a seat such that the seat and substantially the entire bottom surface conform to hold the base member on the seat. Both Pecorella and Boyer have protrusion like elements extending from the bottom surface of the base member. The base member as recited in the claims is adapted to rest on a seat and the base members in Pecorella and Boyer are not so adapted.

Accordingly, reconsideration and allowance of claims 1-4, 10-12, 14-15 and 17-23 is, respectfully, requested.


The examiner is invited to telephone the undersigned if there are any matters that require further action.

JAN 27 2005

It is respectfully requested that, if necessary to effect a timely response, this paper be considered as a Petition for an Extension of Time sufficient to effect a timely response and that shortages in fees, if any, be charged, or any overpayment in fees credited, to the Account of Barnes & Thornburg, Deposit Account No. 02-1010 (31462-38242).

Respectfully submitted,

BARNES & THORNBURG

A handwritten signature in cursive script, appearing to read "Richard B. Lazarus".

Richard B. Lazarus
Registration No. 48,215
(202) 371-6348

79439v4 DCDS01